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EXAMINER

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/960,769
Filing Date: September 21, 2001
Appellant(s): SORIA ET AL.

Paul D. Greeley
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on 11/30/2007 appealing from the Office action mailed 5/1/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

WO9908206	SINANDER	2-1999
6591342	AKKARY	7-2003
20020103815	DUVILLIER	8-2002

20020073089

SCHWARTZ

6-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 3-6, 8, 10, 12-15, 17, 18-22, 24, 25, 27-29, 31-36, 38, 39, 41 and 42 remain rejected under 35 U.S.C. 102(b) as being anticipated by Sinander (WO 99/08206; International Publication Date February 18, 1999; from Information Disclosure Statement filed December 18, 2001).

Regarding independent claim 1, Sinander discloses a method for supporting versioning of data in a content management system, said method comprising:

- maintaining a first table for storing an identifier of a most recent version of a data item (Table 1; p.2, lines 36-37; p.3, lines 16-25; p.4, lines 2-4; p.5, lines 9-14; p.7, lines 25-35; Figures 2b, 3, 4 – as demonstrated in the figures and cited text, names/versions of the new target version (identifier of most recent version) is stored in the database); and

- maintaining a second table for storing an identifier of an older version of said data item (Table 1; p.2, lines 33-35; p.3, lines 16-25; p.5, lines 9-14; p.7, lines 25-35; p.8, lines 4-9; Figures 2b, 3, 4 – as demonstrated in the figures and cited text, the name or version of the base version (identifier of older version) is stored in the database),
- wherein, when said data item is to be updated, (i) said second table is updated to include said identifier of said most recent version of said data from said first table, and (ii) said first table is updated to identify a new version of said data item (p.2, lines 33-37; p.3, lines 16-25; p.5, lines 9-14; p.8, lines 15-25 – as demonstrated in the cited text, when a version is updated, the new version prior to the update is moved to the database storing the older versions so that the updated version becomes the newest version).

Regarding dependent claim 2, Sinander discloses the method of claim 1, further comprising associating different version numbers with different versions of said data item (p.7, Table 1, lines 25-35 – as demonstrated in the table and cited text, different version numbers are associated with the base version, target version, upgrade version).

Regarding dependent claim 3, Sinander discloses the method of claim 2, wherein each of said different versions is associated with a (version number - 1) value (p.7, Table 1, lines 25-35 – as demonstrated in the table and cited text, the different versions all have different values appended to the version name (1.0 for the base version, 1.1 for the target version)).

Regarding dependent claim 4, Sinander discloses the method of claim 3, wherein a particular version of said data item is determined based on an associated one of said (version number - 1) values (p.7, Table 1, lines 25-35 – as demonstrated in the table and cited text, all base versions have a value of 1.0 and all target versions have a value of 1.1).

Regarding dependent claim 5, Sinander discloses the method of claim 3, further comprising generating said (version number - 1) value for successive versions of said data item by incrementing said (version number - 1) value from zero (0) to n (p.7, Table 1, lines 25-35 – as demonstrated in the table and cited text, the base version (old version) has a value of 1.0 and the target versions (newest versions) have an incremented value of 1.1).

Regarding dependent claim 6, Sinander discloses the method of claim 1, further comprising generating a value for successive versions of said data item by incrementing said version number from zero (0) to m (p.7, Table 1, lines 25-35 – as demonstrated in the table and cited text, the base version (old version) has a version number of 1.0 and the target versions (newest versions) have an incremented version number of 1.1).

Regarding dependent claim 8, Sinander discloses the method of claim 1, wherein a version number having a value of zero (0) is associated with said most recent version of said stored data item or an oldest version of said data item, depending on a context of use for said version number (p.7, Table 1, lines 23-35; p.8, lines 4-9 – as demonstrated in the table and cited text, a value of zero is associated with the oldest version of data).

Regarding dependent claim 10, Sinander discloses the method of claim 1, wherein an operation including a version number having a value of zero (0) is interpreted as a request for said most recent version of said stored data item, and said operation is selected from a group consisting of a query operation, a retrieve operation, and an update operation (p.2, lines 33-37; p.7, lines 25-28; p.8, lines 4-9 – as demonstrated in the cited text, an update operation is performed and the most recent version is requested).

Regarding dependent claim 12, Sinander discloses the method of claim 1, further comprising performing a query for said identifier of said most recent version or said identifier of said older version (p.7, lines 25-35 – as demonstrated in the cited text, a query is performed on versions of data).

Regarding dependent claim 13, Sinander discloses the method of claim 1, wherein a first instance of a version of said data item is stored in said first table (p.4, lines 2-4; p.7, lines 23-35; figures 2b, 3, 4 – as demonstrated in the figures and cited text, a version of the data is stored in a first table).

Regarding dependent claim 14, Sinander discloses the method of claim 1, further comprising performing a query on said first table and said second table wherein a column attribute of a column selected by said query is retained in a result of said query (p.7, Table 1; p.8, lines 4-9 – as demonstrated in the table and cited text, a column attribute is retained as a result of a query).

Regarding dependent claim 15, Sinander discloses the method of claim 14, wherein said query invokes a union operation (p.3, lines 1-7, 16-25 – as demonstrated in the cited text, a union operation is invoked).

Regarding independent claim 17, Sinander discloses a system for supporting versioning of data in a content management system, said system comprising:

- a memory (Figure 1; p.4, lines 26-27 – as demonstrated in the figure and cited text, a memory is disclosed);
- a module that maintains (a) a first table for storing an identifier of a most recent version of a data item in said memory, and (b) a second table for storing an identifier of an older version of said data item in said memory (Table 1; p.2, lines 33-37; p.3, lines 16-25; p.4, lines 2-4; p.5, lines 9-14; p.7, lines 25-35; p.8, lines 4-9; Figures 2b, 3, 4 – as demonstrated in the figures and cited text, names/versions of the new target version (identifier of most recent version) is stored in the database and the name or version of the base version (identifier of older version) is stored in the database),
- wherein, when said data item is to be updated, (i) said second table is updated to include said identifier of said most recent version of said data from said first table, and (ii) said first table is updated to identify a new version of said data item (p.2, lines 33-37; p.3, lines 16-25; p.5, lines 9-14; p.8, lines 15-25 – as demonstrated in the cited text, when a version is updated, the new version prior to the update is moved to the database storing the older versions so that the updated version becomes the newest version).

Regarding dependent claims 18, 24, 25 and 27-29, the claims reflect the system with means for performing the operations of claims 2, 8, 10 and 13-15 respectively and are rejected along the same rationale.

Regarding dependent claims 19-22 and 33-36, the claims reflect the system and storage medium for performing the method of claims 3-6 and are rejected along the same rationale.

Regarding claims 31, 32, 38, 39, 41 and 42, the claims reflect the storage medium having computer readable instructions for performing the operations of claims 1, 2, 8, 10, 14 and 15 respectively and are rejected along the same rationale.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 7, 23 and 37 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Sinander in view of Akkary et al. (U.S. Patent 6591342; date of patent July 8, 2003; filed December 14, 1999).

Regarding dependent claims 7, 23 and 37, Sinander does not disclose m has a predetermined maximum value. Akkary teaches a predetermined maximum value for version numbers (col. 12, lines 55-65). It would have been obvious to one of ordinary skill in the art, having the teachings of Sinander and Akkary before him at the time the invention was made, to modify the version numbers taught by Sinander to include a predetermined maximum value as taught by Akkary, because incrementing to a predetermined maximum value would allow the system to accurately check for buffer overflows if the version number was used as an indicator (col. 12, lines 55-65).

5. Claims 11, 26 and 40 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Sinander in view of Duvillier et al. (U.S. Pub. No. 20020103815; publication date August 1, 2002; filed December 12, 2000).

Regarding dependent claim 11, 26 and 40, Sinander discloses an operation including a version number having a value of zero (0) is interpreted as a request for an oldest version of said stored data item (p.7, lines 25-35).

Sinander does not disclose a delete operation. Duvillier teaches a delete operation (p.6, para. 79). It would have been obvious to one of ordinary skill in the art, having the teachings of Sinander and Duvillier before him at the time the invention was made, to modify the method taught by Sinander to include a delete operation as taught by Duvillier, because deleting older versions of data, as taught by Duvillier (p.6, para. 79), would free memory in the system.

6. Claims 16, 30 and 43 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Sinander in view of Schwartz et al. (U.S. Pub. No. 20020073089; publication date June 13, 2002; filed October 1, 2001).

Regarding dependent claim 16, 30 and 43, Sinander does not disclose column attribute is obtained from a sequential query language description area of said query result. Schwartz teaches SQL obtains column attributes (p.6, para. 71). It would have been obvious to one of ordinary skill in the art, having the teachings of Sinander and Schwartz before him at the time the invention was made, to modify the method taught by Sinander to include SQL obtaining column attributes as taught by Schwartz, because SQL was well-known at the time of the invention for querying and using a well-known language would have allowed more users to utilize the invention since there was a familiarity with SQL.

(10) Response to Argument

7. Appellant's arguments filed 2/13/2007 have been fully considered but they are not persuasive. Regarding amended independent claim 1, Appellants indicate Sinander does not disclose a table for storing an id of an older version (p.3). The Examiner disagrees, because Sinander discloses creating a new systemtable—*first table*-- for storing a name or identifier of a target newest version of a base or older version of a database procedure. The old systemtable—*second table*-- holds, and stores **names or identifiers of the base procedure**, which gets updated with new target identifier(s) after an update is made to a database, and the table (Table 1; p.2, lines 36-p.3, lines 7, 16-25; p.4, lines 2-4; p.5, lines 9-14; p.7, lines 25-35, p.8, 4-9; Figures 2b, 3, 4).

Moreover, the Appellant states that the old and new table of fig.2b do not hold an identifier of a most recent version, and an identifier of an older version (page 13,parag.2-3). The Examiner disagrees, because the systemtable (table 1) does teach that the new systemtable adds a new target name or identifier indicating that a new version of the base procedure listed in the old systemtable, has been newly added to the database. Besides, the aforementioned technique is a well-known method of archiving or storing several versions of a data item, and an item name or id, in a database as shown by Sinander, and as known to PHOSITA (person having ordinary skill in the art).

In response to Appellant's argument that the references fail to show certain features of appellant's invention, it is noted that the features upon which appellant relies (i.e., "the base version is updated from the target version" page 13, parag.3. Claim 1 merely recites "*maintaining a second table for storing an identifier of an older version of said data item*".) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). There is no recitation stating that the older version is updated from the most recent version of the data item as seemed to be argued by the Appellant.

Independent claims 17 and 31 recite limitations similar to those of claim 1 and are therefore rejected at least based on the reasons found above.

Claims 2 - 6, 8, 10, 12 - 15, 18 - 22, 24, 25, 27 - 29, 32 - 36, 38, 39, 41 and 42 are also not novel over Sinander, since claims 2 - 6, 8, 10 and 12 - 15 depend from claim 1. Claims 18 - 22, 24, 25 and 27 - 29 depend from claim 17. Claims 32 - 36, 38, 39, 41 and 42 depend from claim 31.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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